

1 BILL NO. Z-84-08-13

2 ZONING MAP ORDINANCE NO. Z-

3 AN ORDINANCE amending the City of
4 Fort Wayne Zoning Map No. H-34.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
6 INDIANA:

7 SECTION 1. That the area described as follows is hereby
8 designated a B-3-B (General Business) District under the terms of
9 Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

10 Lot #37 Highview Park Addition
11 and the symbols of the City of Fort Wayne Zoning Map No. H-34, as established
12 by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana
13 are hereby changed accordingly.

14 SECTION 2. That this Ordinance shall be in full force and
15 effect from and after its passage and approval by the Mayor.

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17
18 
19 COUNCILMEMBER

20
21 APPROVED AS TO FORM AND LEGALITY:

22 
23 BRUCE O. BOXBERGER, CITY ATTORNEY
24
25
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31
32

FOX RIVER BOND

25% COTTON

Read the first time in full and on motion by Bradbury, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee Legislation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ .M., E.S.

DATE: 8-14-84

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Stier, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

| | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAINED</u> | <u>ABSENT</u> | <u>TO-WIT:</u> |
|--------------------|-------------|-------------|------------------|---------------|----------------|
| <u>TOTAL VOTES</u> | _____ | <u>9</u> | _____ | _____ | _____ |
| <u>BRADBURY</u> | _____ | <u>✓</u> | _____ | _____ | _____ |
| <u>BURNS</u> | _____ | <u>✓</u> | _____ | _____ | _____ |
| <u>EISBART</u> | _____ | <u>✓</u> | _____ | _____ | _____ |
| <u>GiaQUINTA</u> | _____ | <u>✓</u> | _____ | _____ | _____ |
| <u>HENRY</u> | _____ | <u>✓</u> | _____ | _____ | _____ |
| <u>REDD</u> | _____ | <u>✓</u> | _____ | _____ | _____ |
| <u>SCHMIDT</u> | _____ | <u>✓</u> | _____ | _____ | _____ |
| <u>STIER</u> | _____ | <u>✓</u> | _____ | _____ | _____ |
| <u>TALARICO</u> | _____ | <u>✓</u> | _____ | _____ | _____ |

DATE: 10-23-84

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. _____ on the _____ day of _____, 19____,

ATTEST:

(SEAL)

Sandra E. Kennedy, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19____, at the hour of _____ o'clock _____ .M., E.S.T.

Sandra E. Kennedy, CITY CLERK

Approved and signed by me this _____ day of _____, 19____, at the hour of _____ o'clock _____ .M., E.S.T.

Win Moses, Jr., MAYOR

RECEIPT

No 10739

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 7-18 1984

RECEIVED FROM

Missie Patterson

\$

50.00

THE SUM OF

fifty

00/100

DOLLARS

ON ACCOUNT OF

Travelling - R-1 & B-3-B

Pat B.

AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. 10739

DATE FILED 7-18-84

INTENDED USE Second Hand Store

THIS IS TO BE FILED IN DUPLICATE

I/We Ruth Blackmon & Dixie Patterson
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an B-1 District to a/an B3B District the property described as follows:

Lot 37 Highview Park Addition

Deed Document Number (73-25234) Recorded Oct 19, 1973
at 10:17

(Legal Description) If additional space is needed, use reverse side.

Lot 37 Highview Park

3707 Washington Ctr Road

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Ruth Blackmon
Dixie Patterson

Box 951 King, N.C.
3707 Washington Cent Rd

Ruth A. Blackmon
Dixie Patterson

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____

(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

Dixie Patterson

(Name)

3707 Wash Cent. Rd 46818

(Address & Zip Code)

489-3867

(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street Fort Wayne, IN 46802 (PHONE: 219/423-7571)

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 14, 1984, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-84-08-13; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on August 20, 1984;

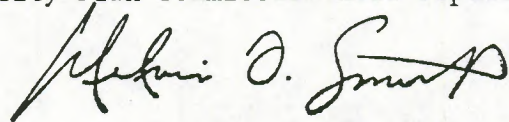
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based upon the Commission's following "Findings of Fact":

- (1) the grant will be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;
- (3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;
- (5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held September 24, 1984.

Certified and signed this
11th day of October, 1984.

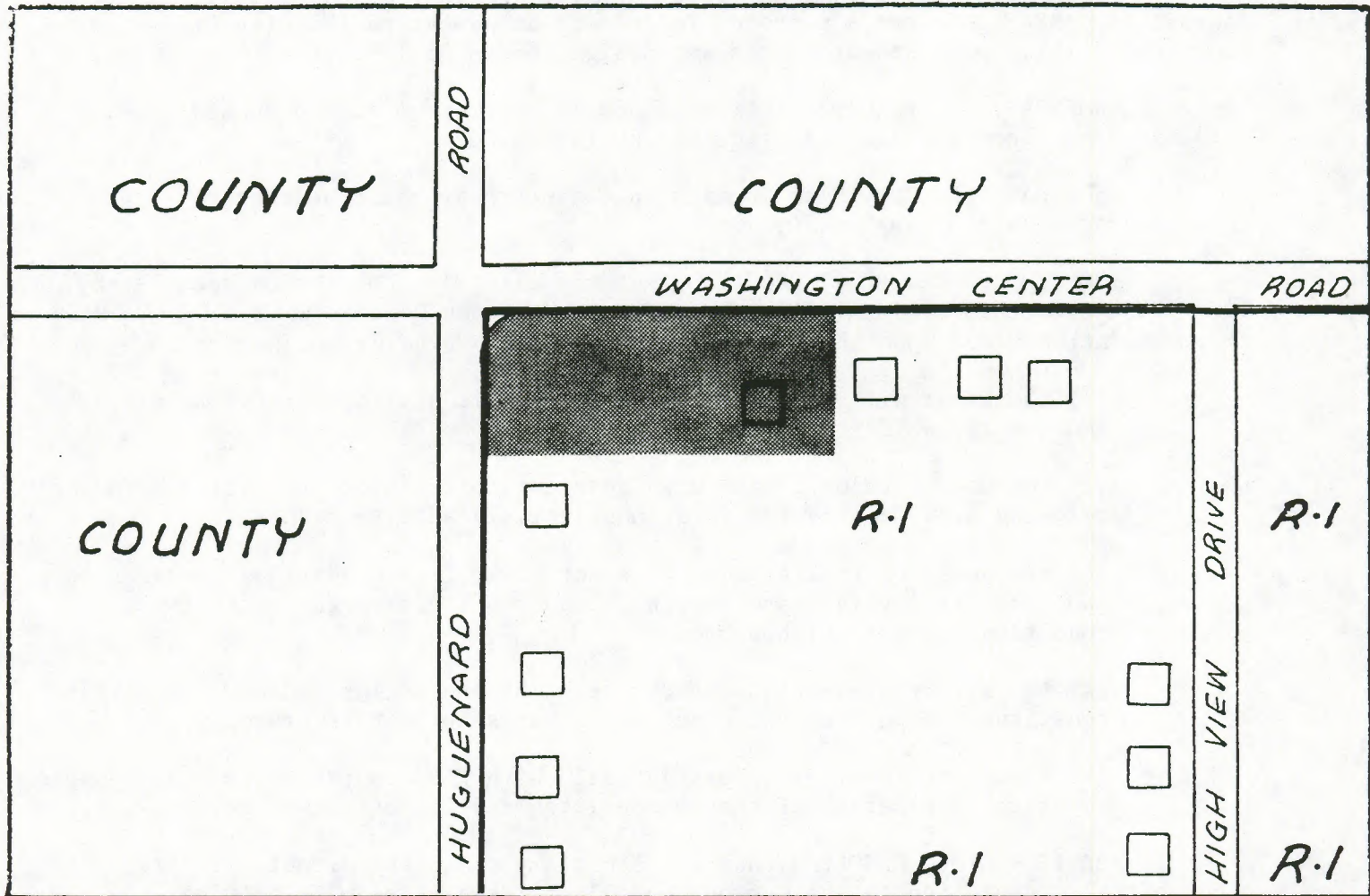


Melvin O. Smith
Secretary

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A R-1 DISTRICT TO A B-3-B DISTRICT.

MAP NO. H-34

COUNCILMANIC DISTRICT NO. 3



Zoning:

R-1 RESIDENTIAL DISTRICT

Land Use:

- ☐ SINGLE FAMILY
- ☒ COMMERCIAL

Z-84-08-13

Scale: 1" = 200'

Date: 7-24-84

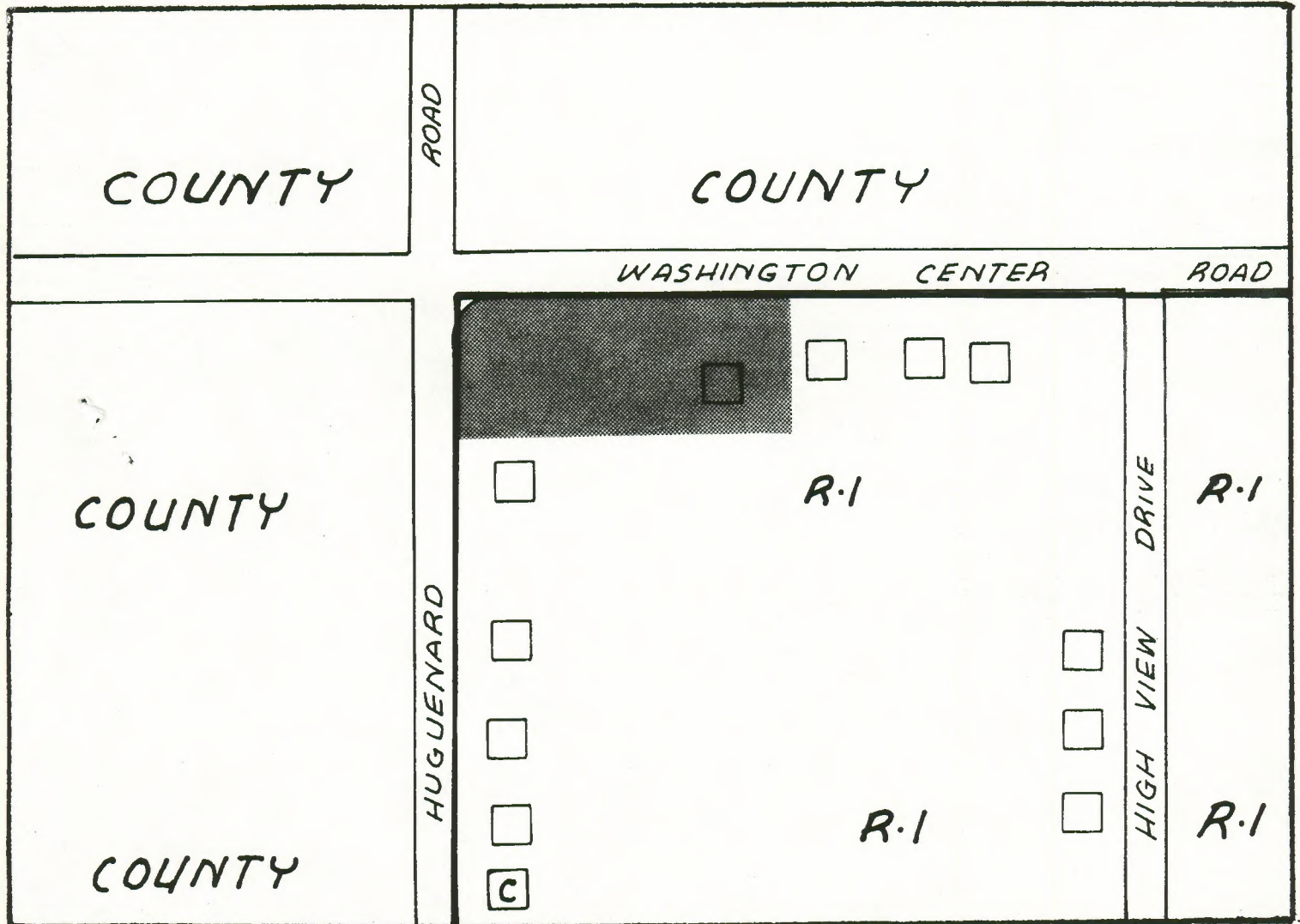


ZONING PETITION - 87

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING
THE DESCRIBED PROPERTY FROM A R-1 DISTRICT TO A B-3-B
DISTRICT.

MAP NO. H-34

COUNCILMANIC DISTRICT NO. 3



Zoning:

R-1 RESIDENTIAL DISTRICT

Land Use:

- ☐ SINGLE FAMILY
- ☒ COMMERCIAL

Z-84-08-13

Scale: 1" = 200'

Date: 7-24-84



BILL NO. Z-84-08-13

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN
ORDINANCE amending the City of Fort Wayne Zoning Map No. H-34

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Do Not PASS.

JANET G. BRADBURY, CHAIRWOMAN

Janet G. Bradbury

SAMUEL J. TALARICO, VICE CHAIRMAN

Samuel J. Talarico

CHARLES B. REDD

Charles B. Redd

MARK E. GIAQUINTA

Mark E. Giaquinta

JAMES S. STIER

James S. Stier

CONCURRED IN 10-23-84
SANDRA E. KENNEDY, CITY CLERK

FACT. SHEET

L-04-00-13

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE

Zoning Ordinance Amendment

APPROVAL DEADLINE

None

REASON**DETAILS****Specific Location and/or Address**

3707 Washington Center Road

Reason for Project

Use existing structure for a second hand store.

Discussion (Including relationship to other Council actions)

Ken Didier, appearing for the petitioner stated that Ms. Patterson wished to locate a second hand store in a 24' x 24' garage presently located on her property. He stated he did not feel this would generate any excessing additional traffic. He stated that there were already businesses located along Huguenard Road and the area also has a gravel pit on the northwest corner of Washington Ctr and Huguenard.

Dixie Patterson, petitioner stated that she felt the area was not clearly depicted by the Plan Commission's map. She stated that the area is more commercial than shown. She stated that she had checked out other locations for her business and found they has to high of overhead for her to make the business profitable.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**

Dixie Patterson

City Department

Other

Opponents**Groups or Individuals**

None

Basis of Opposition**Staff
Recommendation**☐ For☒ Against**Reason Against**

-adverse affect on area

-spot zoning

-establish a precedent for similar cases

**Board or
Commission
Recommendation****By**☐ For☒ Against☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS**(For Council
use only)☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

August 27, 1984 Business Meeting

Edith Kenna read the Site Committee Report:

The Site Committee recommended denial of the request because it would adversely affect the integrity of this residential area; not compatible with planning principles & practices; would establish precedent for similar cases; and would be spot zoning.

Motion to deny was made and failed.

Following discussion where the staff was directed to do a more thorough land use study of the area and bring the information to the Commission at their September 24, 1984 business meeting a motion to defer was made and carried.

September 24, 1984 Business Meeting

The staff showed the Commission a land use map of the area. It was felt the area was still basically residential and the request was not acceptable in the area.

Duane Embury read the Site Committee Report:

Site Committee concurs with staff recommendation which is for denial for the reasons that:

- 1) rezoning would adversely affect the integrity of this residential area;
- 2) rezoning would not be compatible with the surrounding uses;
- 3) its approval would establish a precedence; and,
- 4) its approval would constitute a spot zone.

POLICY/PROGRAM IMPACT

| | | |
|-------------------------------|-----------------------------|------------------------------|
| Policy or Program Change | <input type="checkbox"/> No | <input type="checkbox"/> Yes |
| | | |
| | | |
| | | |
| Operational Impact Assessment | | |
| | | |
| | | |
| | | |

(This space for further discussion)

Motion to deny was made and carried.

David Kiester stated that he would like to amend the motion state that the Commission recommends and supports the petitioner's efforts to gain a Use Variance on the property from the Board of Zoning Appeals. He stated they should send a statement to that effect to the Board of Zoning Appeals.

Amendment to the original motion was approved.

Project Start

Date July 18, 1984

Projected Completion or Occupancy

Date October 9, 1984

Fact Sheet Prepared by

Date October 9, 1984

Patricia Biancaniello

Reviewed by

Date

Gary Baxter
Reference or Case Number

ORIGINAL

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

3-84-08-13

SYNOPSIS OF ORDINANCE Lot 37 in Highview Park Addition, more commonly known as
3707 Washington Center Road.

COUNCILMANIC DISTRICT NO. 3

EFFECT OF PASSAGE Property is now zoned R-1 - Single Family Residential. Property
will become B-3-B - General Business.

EFFECT OF NON-PASSAGE Property will remain R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.)) _____